



LICENSING NEWS AND VIEWS

UTAH DEPARTMENT OF HEALTH, BUREAU OF LICENSING

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Bureau of Licensing Website

The Bureau's web address has changed. The new address is: health.utah.gov/licensing.

In addition to current provider lists, you may download the following Bureau forms:

- \$ Licensing Application Packet
- \$ Variance Form
- \$ On-line Complaint Form
- \$ GRAMA Request Form
- \$ Criminal Background Screening Form
- \$ CBS Renewal/Disclosure Statement
- \$ Patient Safety Reporting Form
- \$ Negotiated Risk Contract
- \$ Incident Report Form
- \$ Assisted Living Forms:
 - Medication Packet
 - Resident Assessment Form
 - PRN Medication Form
 - Medication Tracking Form
 - Employee Health Form

If you have questions about any of these forms, please contact the Bureau at 801-538-6152 or toll free at 1-888-287-3704.

UAHC Conference

The Utah Association for Home Care will hold its annual conference in St. George, Utah, at the Ramada Inn on April 17 and 18, 2002. For registration information, please contact Shauna at 435-623-3050.

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CBS/License Renewal Questions

As of January 1, 2002, please note the change in the Bureau contact person for Criminal Background Screening (CBS) and license renewal/change of ownership questions. Kim Jessop (801-538-6941) is the Bureau contact person for questions regarding hospitals and nursing care facilities. Marsha Bentley (801-538-6207) is the Bureau contact person for all other licensed health care facility/agency categories.

Code Update

On January 2, 2002, the Utah Fire Prevention Board enacted changes to rules R710-3 and R710-4, for Assisted Living Facilities and Rules for Buildings Under the Jurisdiction of the Utah Fire Prevention Board respectively.

R710-3 references the 2000 editions of the International Fire Code (IFC) and International Building Code (IBC). A significant change includes the requirement that R-4 occupancies (small Type I) be sprinkled if there are 8 to 16 beds. There is a move to amend this requirement based on the size of the facility. Subsequent news letters will keep you informed if there are additional changes.

R710-4 changes the I-2 occupancy classification (This group now applies to hospitals, nursing homes, ambulatory surgical centers and large type II assisted living facilities) to apply when there are three or more persons that may not be capable of self-preservation.

You may access these rules at:

<http://firemarshal.utah.gov>



Health Facility Committee - 11/16/01

Long Term Care Moratorium Data:

Iona Thraen, Health Systems Improvement Division Director, reported on the update of the data on the long term care moratorium. The market for long term care facilities is more complex now than in 1989. Nursing facility census is currently lower than when the moratorium was initiated in 1989. Joan Gallegos of the Utah Health Care Association (UHCA) reported that facilities whose only source of income is Medicaid are losing money. UHCA has the following concerns:

1) Medicaid rates in Utah are the seventh worst in the nation for audited average allowable costs; 2) Utah is the fourth worst state in the nation in regards to nursing staff shortages; 3) Medicare payments have reduced the budget by 17 billion dollars; 4) Nursing home administrators have left the industry due to liability issues, inadequate control over resources, and pressure from families and advocacy groups to improve the quality of care for residents; and 5) Increases in medical malpractice due to inadequate and quality of care to residents. The Bureau of Licensing will continue to monitor facility growth and census in all counties.

End of Life Subcommittee Report:

The proposed rule was expanded to include all categories of health care facilities and adds civil money penalty language. Emergency medical providers will be a primary partner in the success of the initiative. Joan Gallegos of the UHCA stated that many facilities like the form and have voluntarily adopted its use.

Patient Safety Task Force:

Deb Wynkoop, Bureau of Licensing Director, reported that the rule is now in effect. The reporting form has been placed and may be downloaded from the Bureau of Licensing web page. Ms. Wynkoop reminded the Health Facility Committee that their role is to select the criteria for

the auditor of the Patient Safety reports.

Construction Rule Subcommittee:

The subcommittee met once on October 18, 2001, and proposed modifications to the draft rule changes. Once the concept summary is approved, the draft rule will be presented to the Health Facility Committee for approval.

Influenza - Pneumococcal Vaccines Subcommittee:

Linda Abel, Program Manager for Immunizations, is working on the first draft of the rule. The subcommittee will have its first meeting on December 5, 2001.

Rule Updates:

1. R432-500-8 Ambulatory Surgical Center Rule - The rule may become final on December 18, 2001.
2. Background Screening Rule - A request for the Bureau of Licensing to perform screening for employment agencies has been denied. Statutory authority only permits the Bureau to process individuals who work in a covered health care facility or agency.
3. Change of Ownership Rule - R432-2. Department of Health legal counsel is working on the draft language for the rule.

New Business:

1. Feasibility Study Subcommittee - This requirement will create a forum for public comment on any new proposed health care facility or agency. Public feedback will be collected and then given to the proposed provider to help them determine if there is a need for the proposed service. The Utah Health Care Association, the Utah Hospital Association, the Utah Assisted Living Association, and the Utah Association of Home Care will be contacted to obtain representation on the subcommittee. A **MOTION** was made to create



(HFC Minutes Continued:)

the feasibility subcommittee. The **MOTION PASSED** unanimously.

2. Long-term Care Hospital Subcommittee - This subcommittee will review the Chronic Disease Specialty hospitals, hospital care, and how hospitals are licensed. This subcommittee will only look at the Chronic Disease Specialty Hospital rule. A **MOTION** was made to create the subcommittee. The **MOTION PASSED** unanimously.

3. Certified Nurse Aid Certification - Susan Lewson, Davis Applied Technology Center, reported that the CNA test has been translated into Spanish, and an audio version has been translated into Navajo to assist and address the cultural needs of diverse communities. Kathleen Fitzgerald expressed concern that many students cannot afford the \$300 fee for the certification course. Ms. Lewson clarified that after the first semester of nursing school, a student may challenge the CNA test.

Other Business:

Glade Bigler reported that he received a publication outlining malpractice litigation in nursing care facilities. Insurance rates have increased due to the increase in instances of litigation. Chad McNiven, Utah Long Term Care Ombudsman, reported that the majority of lawsuits in Texas and Florida were due to a continual pattern of harm to residents.

The February 8, 2002, meeting was cancelled due to the Olympics.

Assisted Living Census Data

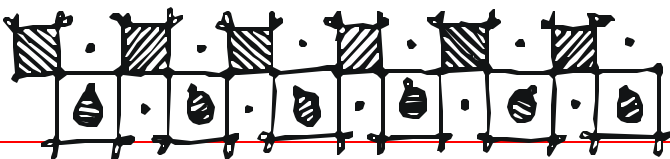
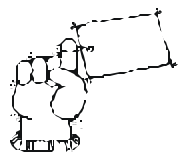
As of February 1, 2002, the Bureau of Licensing asks that each assisted living provider submit monthly census information to the Bureau. With the first submitted report, please include the name and telephone number of the employee who will be responsible for providing this information to the Bureau on a monthly basis. You may submit the census information through one of the following methods:

1. Via fax to (801)538-6325 or (801) 538-1596 Attention: Marsha or Kristen.
2. Via telephone to Marsha at (801) 538-6207 or Kristen at (801) 538-6326.
3. Via e-mail: mbentley@doh.state.ut.us or krisbeck@doh.state.ut.us.
4. Complete and mail in census information on the approved Bureau form.

A copy of the approved Bureau form was mailed to each assisted living provider. If you did not receive a copy, please contact the Bureau at (801) 538-6152. Please submit the census information to the Bureau no later than the 5th day of each month. Thank you for your assistance in gathering this data.

SAGE Day Seminar to Feature Healing Gardens and National Trends in Senior Housing

The Society for the Advancement of Gerontological Environments (SAGE) is holding a SAGE day seminar on April 18, 2002. The program will include presentations on national trends in senior facilities and on healing gardens. The one-day seminar will be held at the Veterans Nursing Home in Salt Lake City. For more details and a registration form contact SAGE at (801) 277-5331 or e-mail at cjcollins2@qwest.net.





ASSISTED LIVING and the FOOD CODE

Government food protection studies begun in the early 1900's concluded that effective disease prevention requires comprehensive food sanitation measures be applied from production to consumption. Accordingly, the Food Code was developed and provides a system of prevention and safeguards designed to minimize food-borne illness and ensure employee health, safe food and equipment, and acceptable levels of sanitation in food establishments. The Food Code serves as the federal government's guidelines for food safety. It is a shared responsibility of the food industry and the government to ensure that food provided to the consumer is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease.

The U. S. Food and Drug Administration's 1995 Food Code was adopted by Utah with amendments and is published as R392-100: Food Service Sanitation Rule, Effective Date: October 15, 1996. Utah is currently in the process of revising the Food Service Sanitation Rule. This revision will be based on the U. S. FDA's 1999 Food Code.

Frequently cited violations to the Food Service Sanitation Rule in assisted living facilities include: foods unlabeled, improperly resealed, improperly stored, and outdated; food contact and non-food contact equipment cleanliness not maintained and equipment not maintained in good repair; hand washing sink inaccessible or supplies not maintained; inadequate sanitizing agent levels and lack of test strips; inadequate dish washing machine temperatures; and lack of thermometers in refrigeration units.

These violations are cited under R432-270-22(9) which states: "Food service shall comply with the Utah Department of Health Food Service Sanitation Regulations, R392-100."

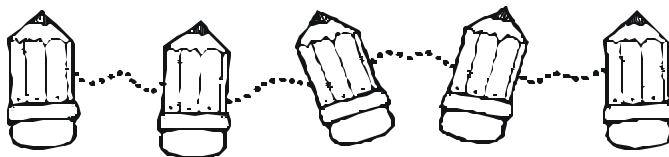
Reference information: R392-100: Food Service

Sanitation Rule (Based on the U. S. Food and Drug Administration's Food Code 1995 with Utah Amendments) Effective Date: October 15, 1996; The U. S. FDA 1999 Food Code; Website Resource for Food Safety: www.fda.gov (Click on "Food", Scroll down to "Special Interest Areas", Click on "Federal/State Food Programs", Scroll down to "Table of Contents"; Then select your area of interest.); www.foodsafety.gov/. If you have questions about the Food Code, please contact your local health department or district office, or call Teddy Madsen at (801) 371-1141.



Change on Licensing Application

Effective May of 2001, the second page of the Notice of Agency Action/License Application form now has a section for ownership as well as a separate section for management. The new management section is to be used only when the owners of a facility have entered into a management agreement with another company to manage the day-to-day operation of the facility. A copy of the management agreement is required. If you have not already provided a copy of the management agreement to the Bureau, please include a copy with the application. If you have questions about this requirement or the application process, please contact Marsha Bentley or Kim Jessop at (801) 538-6152.





How to Plan a AP.O.C.®

Upon receipt of a Statement of Finding (SOF) from the Bureau, the licensee or administrator is required to submit a Plan of Correction (POC) to the Bureau within 14 days. In accordance with R432-3-5, Plan of Correction, an acceptable POC must contain the following information:

- (a) how the required corrections shall be accomplished;**
- (b) who is the responsible person to monitor that the correction is accomplished; and**
- (c) the date the facility or agency will correct the violation.**

An acceptable POC must address not only the specific rule violation cited, but what procedures or processes will be implemented by the facility/agency to prevent the violation from re-occurring. For example, if four of ten records reviewed are lacking a current assessment, the POC should state that the four records in question will be updated to be current, and that all resident assessments will be kept current.

If you have questions about how to submit an acceptable POC, please contact any one of the Bureau licensing specialists for assistance.

Odor Impairment and Alzheimer's

A scratch and sniff test may help predict which individuals with mild cognitive impairment will go on to develop Alzheimer's disease. Dr. D. V. Devan and colleagues at the Columbia Presbyterian Medical Center in New York administered a 15 to 20 minute odor identification test to 90 men and women with minor memory problems and found that 19 of the 47 who had difficulty identifying the smells and odors subsequently developed

Alzheimer's disease. Of the 19, 16 reported having a good sense of smell at the time of the test, yet scored poorly on the test. This may indicate that the inability to recognize smells with the lack of awareness that olfactory senses are impaired might be useful as a predictor of impending Alzheimer's (U.S. Medicine, October 2000)

Senior Medicare Patrol Project

The U. S. Department of Health and Human Services has announced the award of 9.3 million to programs that train retired professionals to help older Americans become better health care consumers and help identify and prevent billing errors and potential fraud. These projects are helping older Americans better understand their Medicare billing statements, so that they can take appropriate steps to correct errors, HHS Secretary Tommy Thompson said. Through these kinds of programs, beneficiaries can play an important role in helping the Medicare program avoid unintended errors and detect deliberate abuses.

Senior volunteers undergo several days of training reviewing health care benefit statements and outlining the steps seniors can take to protect themselves. Volunteers work in local senior centers and other places where older persons gather teaching beneficiaries such skills as how to treat their Medicare number as they would their credit cards, how to use journals to keep track of their medical services and health care instructions, how to read their Medicare notices, and how to get answers to billing questions they may have.

To volunteer, or to obtain additional information about the Patrol Project in Utah, please contact Sallie Richardson, Project Coordinator, Utah Legal Services at srichardson@ulsslc.andjusticeforall.org or at (801) 328-8891 ext. 329, or toll free at 1-800-662-4245.
srichardson@ulsslc.andjusticeforall.org

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We're on the Web!
health.utah.gov/licensing

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